

To: Hutchinson, Marcella[Hutchinson.Marcella@epa.gov]
From: Schmittdiel, Paula
Sent: Thur 8/20/2015 4:59:36 PM
Subject: RE: [WQ News] When a River Runs Orange GWEN LACHELT

Thanks Marcella _ I saw that this AM. Very thoughtful and big picture perspective.

Paula Schmittdiel

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From: Hutchinson, Marcella
Sent: Thursday, August 20, 2015 10:58 AM
To: Miullo, Nat; Russell, Carol; Forrest, Sabrina; Schmittdiel, Paula
Subject: FW: [WQ News] When a River Runs Orange GWEN LACHELT

FYI – author is a La Plata County Commissioner. Not EPA bashing.

From: wq-news@googlegroups.com [mailto:wq-news@googlegroups.com] **On Behalf Of**
Loretta Lohman
Sent: Thursday, August 20, 2015 6:08 AM
To: coriv@googlegroups.com; wq-news@googlegroups.com
Subject: [WQ News] When a River Runs Orange GWEN LACHELT

The New York Times

When a River Runs Orange

By GWEN LACHELT AUG. 20, 2015

Photo



Waste water in retention ponds near the Animas River in Colorado. Credit Mark Holm for The New York Times

Durango, Colo. — THE recent mining pollution spill in my corner of Colorado — La Plata County — is making national news for all the wrong reasons. Beyond the spill and its impact on everyone downstream, the underlying causes are far more worrisome and dangerous than just a mistake made by the Environmental Protection Agency.

Yes, it is a cruel irony that an E.P.A. contractor, while trying to clean up pollution from old mines, instead made the problem much, much worse. The jaw-dropping before-and-after photos contrasting the pre-spill Animas River I know and love with the subsequent bright orange, acidic, heavy-metal-laden travesty are sadly accurate.

The Animas River is the heart of La Plata County. Our jobs rely on it, people the world over travel here to raft and fish it, and farmers and ranchers feed their animals and water their crops with it. But more than that, it's a member of the community. We see it every day. We play in it. We work with it. And of course we drink it. It's no overstatement to say that La Plata County as we know it would not exist without the Animas River.

The damage caused by this spill is all the more heartbreaking because it is part of a larger national and ongoing tragedy: the hundreds of thousands of inactive and abandoned mines that litter our country, thanks to the General Mining Law of 1872.

President Ulysses S. Grant signed the Mining Law when the nation (apart from Native Americans, who had already lived here for thousands of years) regarded the West as a frontier to be conquered. Governing hard-rock mining, mostly of metals like gold and copper, the law is a product of its time. It gave away public minerals (worth an estimated \$300 billion and still counting); sold mineral-bearing public lands for less than \$5 an acre; contained no environmental provisions for mining operations, and required no cleanup afterward. Apart from a few small regulatory changes in 1980, the 19th-century act is still the law of the land.

The result? A study by the environmental group Earthworks estimated that approximately 500,000 abandoned and unreclaimed mines litter the country. The E.P.A. says that mining pollutes approximately 40 percent of the headwaters of Western watersheds and that cleaning up these mines may cost American taxpayers more than \$50 billion.

Why hasn't this problem been solved, given its pervasiveness and impact?

It isn't because we don't know how. There are pilot reclamation projects around the West that have shown how to do it if we choose to. It isn't because it'll cost jobs. Montana's experience suggests that mine reclamation can create more jobs per dollar spent than mining itself.

The problem of unreclaimed, abandoned and inactive mines remains unsolved because the mining industry stubbornly obstructs meaningful attempts to reform or replace the 1872 Mining Law. As a result, there's simply not enough money to address the problem. The E.P.A. is operating on a shoestring budget. Despite this, an E.P.A. contractor was trying to reclaim the Gold King Mine because it was seriously polluting the Animas River before the spill. The E.P.A. was doing the best it could with what it had. But what it had wasn't enough.

The solution to the problem is comprehensive reform of the old law, and Congress already has a bill before it that will do it: H.R. 963, the Hardrock Mining Reform and Reclamation Act of 2015, introduced by Representative Raúl M. Grijalva of Arizona.

The new law, currently bottled up in committee, would create a fund to clean up abandoned and inactive mines by establishing an 8 percent royalty on all new hard-rock mines on public lands, a 4 percent royalty on existing mines on public lands and reclamation fees on all hard-rock mines, including those that were "purchased" for low prices under the 1872 Mining Law.

A similar system is already in place for abandoned coal mines, so there's no practical reason it can't work for hard-rock mining too. The bill would also improve both reclamation standards and requirements that mining companies financially guarantee that taxpayers aren't on the hook for cleaning up existing mines.

What happened in La Plata County this month is a tragedy. For our ranchers and farmers, for wildlife, the tourism industry and all our local residents. The Animas River is part of our everyday life, and it needs to be protected. I'm not alone in wanting to stop this reckless pollution from endangering the rest of our communities and our environment.

Gwen Lachelt is a La Plata County commissioner.

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